42

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: - Hon'ble Shri S.R. NAYAK

Writ Petition No. 6134 OF 2005

PETITIONERS

1. Chetan Das, S/o Late Nandumal Aged about 60 years, R/o Torwa Basti, Ward no. 36, House no. 258, Bilaspur (C.G.)
2. Mohamad Aarif, S/o Late Haji Mohamad Yunus, aged about 42 years, R/o C.P. Kirana Stores, D-71, Jone-2, Vyapar Vihar, Bilaspur (C.G.)
3. Amit Kumar Nebhani, S/o Jassumal Nebhani, aged about 24 years, R/o Meera Agency, F-44, Jone-2, Vyapar Vihar, Bilaspur (C.G.)
4. Meera Devi, W/o Jassumal Nebhani, Aged about 60 years, R/o – Omprakash Jassumal, D-88, Jone-2, Vyapar Vihar, Bilaspur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh Through its Secretary Department of Housing and Environment Mantralaya, DKS Bhawan, Raipur (C.G.)
2. Municipal Corporation, Through its Commissioner Bilaspur (C.G.)

Present:

Mr. R. Pradhan, learned counsel for the appellants.

Mr. Yashwant Singh, learned Govt. Adv., for the State.

Mr.A.S. Kachhawaha, learned counsel for respondent no.2.

ORAL ORDER

(Passed on 2nd December, 2005)

In this writ petition the notice issued by the Bilaspur Municipal Corporation for demolition of the subject property for the alleged violation of the mandatory provisions of Section 293 of the Chhattisgarh

43

Municipal Corporation Act, 1956 is assailed on the ground that the impugned action was not preceded by any notice to the petitioners and therefore, it is violative of principles of natural justice. It appears that the impugned order was not preceded by any prior notice calling upon the petitioners to show cause. Therefore, I think that it is just and fair that the Municipal Corporation should give some reasonable opportunity to the petitioners to have their say in the matter before it takes any coercive step against the petitioners.

(2) In that view of the matter, I direct that the impugned notice should be treated as show cause notice issued to the petitioners. The petitioners are granted a week's time from today to submit their replies to the show cause notice. On receipt of the replies, the Municipal Corporation shall consider the same and take appropriate steps in accordance with law. The writ petition is disposed of in the above terms. There is no order as to costs.

Sd/-
Chief Justice

Brajesh